

APPLICATION COVER SHEET FOR BOTTOM CULTURE

RECEIVED

Name: Norumbega Oyster, Inc.

AUG 24 2011

Address: 19 Snow Road

MAINE DEPT OF MARINE RESOURCES
5500 STATE ST, PORTLAND, ME 04103

City: Nobleboro

Accepted as Complete 9/14/11

County: Lincoln

State, zip Maine 04555

Telephone: business 380-8150 home 563-7735 cell 380-8150

Email address: ericpete@tidewater.net

Date of Pre-application meeting: June, 2011

Date of Scoping Session: June 24, 2011

	<u>town</u>	<u>county</u>	<u>waterbody</u>
Location of lease site:	<u>Damariscotta</u>	<u>Lincoln</u>	<u>Damariscotta River</u>

Additional description (e.g. south of B Island) South of Hog Island

Total acreage requested: Two acres
(100-acre maximum)

Lease Term requested: Ten years
(10-year maximum)

Name of species to be cultivated, common and scientific names:

American Oyster (Crassostrea virginica), European Oyster (Ostrea edulis).

Name, address and phone number of the source of seed stock, juveniles, smolts, etc., to be cultivated:

Muscongus Bay Aquaculture, Bremen, Maine

\$1,500 application fee enclosed: _____

I hereby state that the information included in this application is true and correct and that I have read and understand the requirements of the Department's rules governing aquaculture.

Signature: 

Date: 8/23/11

1. SITE LOCATION

a. Vicinity Map

See vicinity / plan review map.

b. Plan View

1. See vicinity / plan review map.

2. See vicinity / plan review map.

3. See vicinity / plan review map.

4. See vicinity / plan review map.

5. See vicinity / plan review map.

6. See vicinity / plan review map.

7. The boundaries for the proposed lease were developed using a differential WAAS enabled GPS. (Datum WGS 84).

Coordinate Description:

Corner	Latitude	Longitude	
SW	44 00.403'	69 32.307'	thence 410.7 feet at 12 True
NW	44 00.469'	69 32.287'	thence 204.3 feet at 83 True
NE	44 00.473'	69 32.241'	thence 414.8 feet at 190 True
SE	44 00.406'	69 32.258'	thence 214.3 feet at 265 True

Distances to Navigational markers were measured using differential WAAS enabled GPS (Datum WGS 84).

SW corner to Green can #17 2,217 feet at 208 True

SW corner to Iron Spindle green day marker 1,848 feet at 274 True

2. OPERATIONS

a. Production Activities

1. Production activities would include initial planting of approximately 250,000 – 500,000 seed oysters per year. Harvesting (by Drag and Dive) will occur periodically during the days from March through November. Frequency of vessel traffic is determined by weather and number of orders to be filled. June, July, and August being the highest use of the lease site for harvesting purposes. In the first two weeks of November, boats will daily go to and from the site planting oysters on the bottom. Three vessels will service the lease site: a 21-ft. Carolina skiff with 90 HP engine and two 17-ft. Boston Whaler skiffs with 50 HP engines.

2. The start up production would include 250,000 to 500,000 planted seed oysters per year. Maximum production would consist of 500,000 seed oysters per year. The maximum stocking density of the lease would be 1,000,000 planted seed oysters.

b. Noise and Light

1. The type of equipment used on the lease would include boats and boat motors as listed above and power wash equipment.

2. Boats will be used for harvesting through the months of March-December. These boats will be accompanied periodically with equipment to wash the oysters during harvesting periods.
3. Noise level will be reduced with pump covers on the wash equipment.
4. No lights will be used.
5. Work will not occur beyond daylight hours.

c. Marking

The lease will be marked with appropriate marked floating devices.

3. ENVIRONMENTAL CHARACTERIZATION

a. Environmental Characterization

The area of the proposed lease is flat and is positioned in a tidally scoured area that consists of shell hash and patches of mud. The muddy areas are found towards the east and west of the proposed lease. There are no rock outcroppings in the area and the substrate is fairly hard mud. The shell hash areas have a clay like substrate below them which when your hand is stuck in the substrate it penetrates 4-6 inches. The muddy areas consist of mud measuring 8-10 inches when your hand is penetrated into the mud. The depths at mean low water are 3 feet and at mean high water depths were recorded at 13 feet. The depth of the proposed lease gradually slopes approximately 1 to 2 feet in depth from North to South. The topography is flat with a slight slope in depth to the South. The Easter portion of the lease drops in depth in a channel that runs North to South. The Western portion slopes up a muddy bank towards a channel that sits approximately 200 feet to the west. The area harbors populations of sand shrimp (*Crangon septemspinosa*) that are abundantly found. Rock crabs (*Cancer irrorayus*), green crabs (*Carcinus maenus*), and hermit crabs (*Limulis polyphemis*) have been seen in the lease area. Currents on a flood tide run in NE direction at a speed of less then .5m/sec.. During an ebb tide the current runs S. at a speed of less then .5m/sec.. The general shoreline and upland characteristics consist of mostly muddy tidal flats with a rocky outcropping to the Northeast and Sugarloaf ledges to the Southeast.

4. AREA RESOURCES

a. Shellfish Beds, Fish Migration Routes and Submerged Vegetation Beds

There are clam-flats that are harvested to the East of the proposed lease. There are no submerged aquatic vegetation beds in the proposed lease area. The area of the proposed lease is classified as approved for the harvest of shellfish.

b. Essential Habitats/Endangered Species

The proposed lease does not fall within the boundary of an essential habitat.

8/24/11 I HEREBY CERTIFY THAT THE ATTACHED LIST ARE OWNERS OF RECORD OF THESE LOTS AS OF THIS DATE.

Cynthia Sykes
CYNTHIA SYKES, DEPUTY CLERK

Town of Damariscotta
21 School Street
Damariscotta, ME 04543

Susan Libby

Jerome, Christopher

a. Riparian Property

1. See attached tax maps.
2. List of Riparian owners:
 - Map 1, lot 2
James Briggs 711 ~~Hudson~~ Rd., Pownal, ME 04069
 - Map 1, lot ~~3~~-1
Kevin Murphy 18 Woodthrush Trl. Orchard Park, NY 14127
 - Map 1, lot ~~4~~
Denham and Doris L. Pierce P. O. Box 297, Damariscotta, ME 04543
 - Map 1, lot ~~6~~+1
Thomas and Sarah Jensen 361 Bristol Rd., Damariscotta, ME 04543
 - Map 1, lot 6
Pemiquid Oyster P. O. Box 302, Waldoboro, ME 04572
 - Map 1, lot 7-2
Virginia G. Curtis P. O. Box 13, Bristol, ME 04539
 - Map 1, lot 10-2
Damariscotta River Association P. O. Box 333, Damariscotta, ME 04543
 - Map 1, lot 11
Beth ~~and Libby~~, Farrell P. O. Box 148, Damariscotta, ME 04543
 - Map 1, lot 12
Olive D. Nelson 315 Bristol Rd., Damariscotta, ME 04543
 - Map 1, lot 13
Hale P. and June M. Tukey P. O. Box 9, Damariscotta, ME 04543-0009
 - Map 1, lot 16-1
Christopher Kennedy 299 Bristol Road, Damariscotta, ME 04543
 - Map 12, lot 27
Yvette Bigelow 26 Rousseau Hill, Greenville, NH 03048
 - Map 12, lot 26
Shirley H. and Donald F. Pitcher 10 Miles Rd. Hingham, MA 02043

3. Riparian owners will have access through lease site.
4. Not currently used.

b. Existing Uses

1. Clam digging occurs on the mid flats to the NE, E, and SE of the proposed lease site. Recreational fishing during the summer months occurs in the vicinity of the proposed lease area. Pemaquid Oyster stores aquaculture equipment to the east of the lease and periodically runs skiffs to their shorefront property. The proposed lease will not interfere with any of these activities and their access of surrounding mud flats. The lease is strictly bottom culture and will not interfere with traffic at all. There exists one mooring approximately 600-700 feet NW of the proposed lease. Since the mooring was deployed no boats have been moored to it. Due to the presence of shallow waters, exposed mud flats and ledges in the immediate

area, vessels traversing the area during lower tides have little cause to travel through the proposed lease site.

2. The only activity to be restricted on the proposed lease site would be any type of harvesting (SCUBA, dragging, etc.).

6. TECHNICAL CAPABILITY

Currently own and operating successful oyster sea farm since 2006.

7. FINANCIAL CAPABILITY

- a. Financial Capability
See attached.
- b. Cost Estimates
\$3000-\$5000 for seed purchases and \$5000-\$10,000 for harvest costs.
- c. Other Lease Interests and Multiple Ownership
2.6 acres DAMNP
5.98 acres DAMPPN
- d. Other Lease Interests and Multiple Ownership Continued

A. Corporate Applicants

1. Jan. 18, 2006 and see attached: Articles of Incorporation.
2. Eric Peters, President (19 Snow Rd. Nobleboro, ME 04555) and Kellie Peters, Vice President (same as Eric Peters).
3. Directors: Eric and Kellie Peters (same as above).
4. Yes, Norumbega Oyster, Inc. is named on the lease DAMPPN and Eric Peters on lease DAMNP.
5. Kellie Peters: 50 % of stock ownership and Eric Peters: 50% of stock ownership.
6. Eric Peters: 2.6 acres DAMNP
7. Neither Kellie Peters nor Eric Peters has ever been arrested, indicted, convicted of, or adjudicated to be responsible for any violation of any marine resources or environmental protection law, whether state or federal.

B. Partnership Applicant

1. N/A
2. N/A
3. N/A
4. N/A
5. N/A

8. OTHER REQUIREMENTS

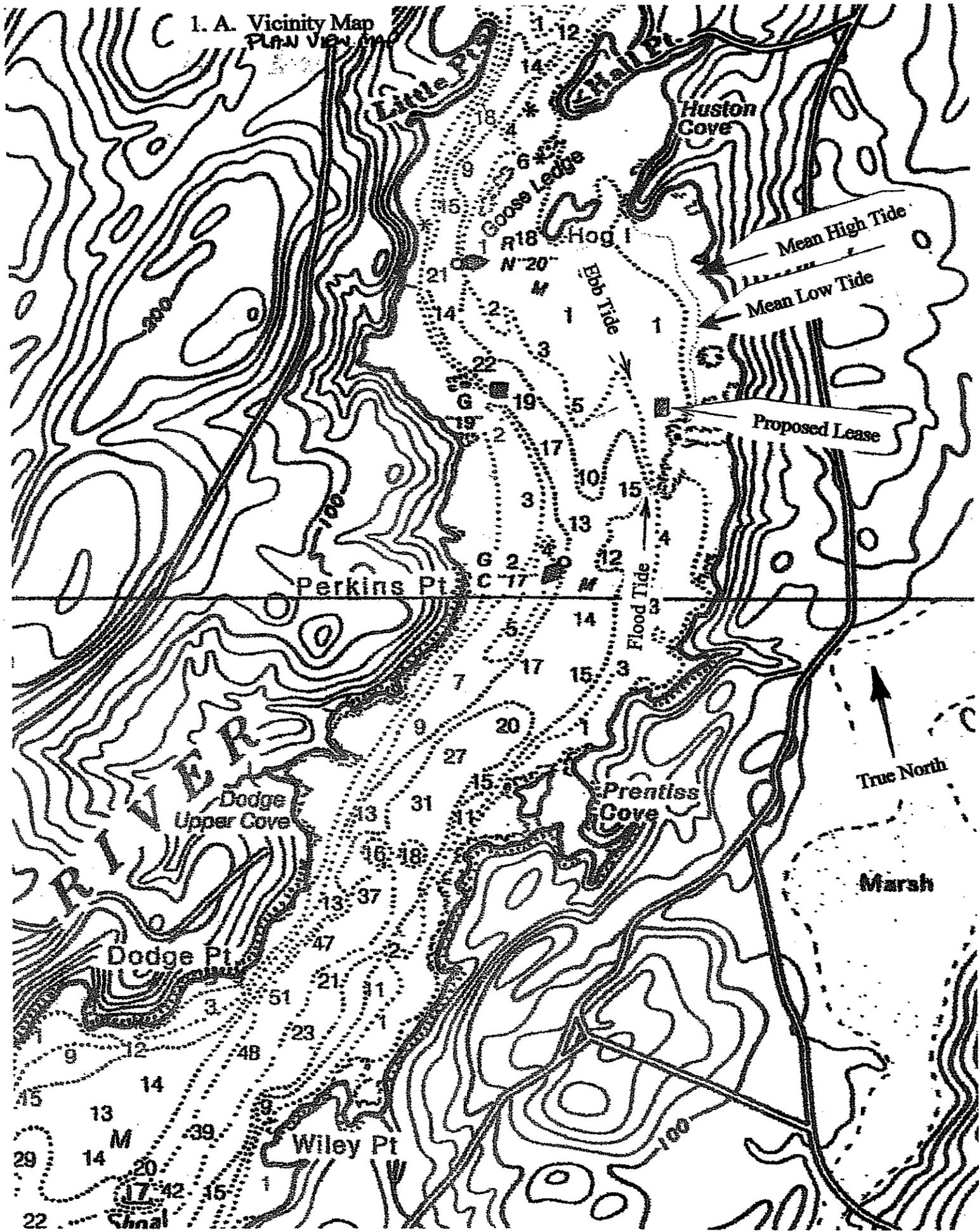
The following items must accompany the application:

- a. Escrow Account or Performance Bond

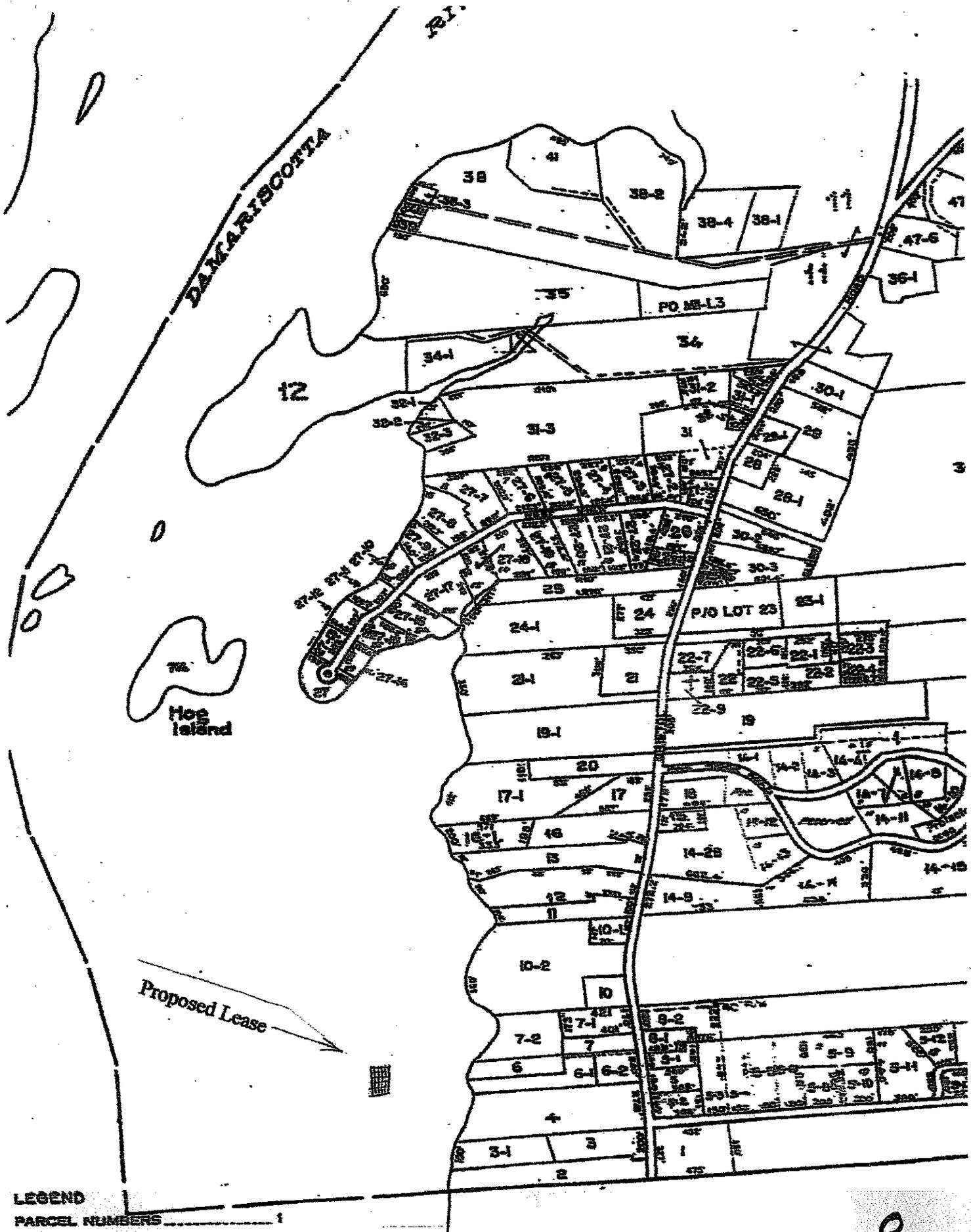
A performance bond will be opened when required.

No structure, no discharge \$ 500.00

1. A. Vicinity Map
PLAN VIEW MAP

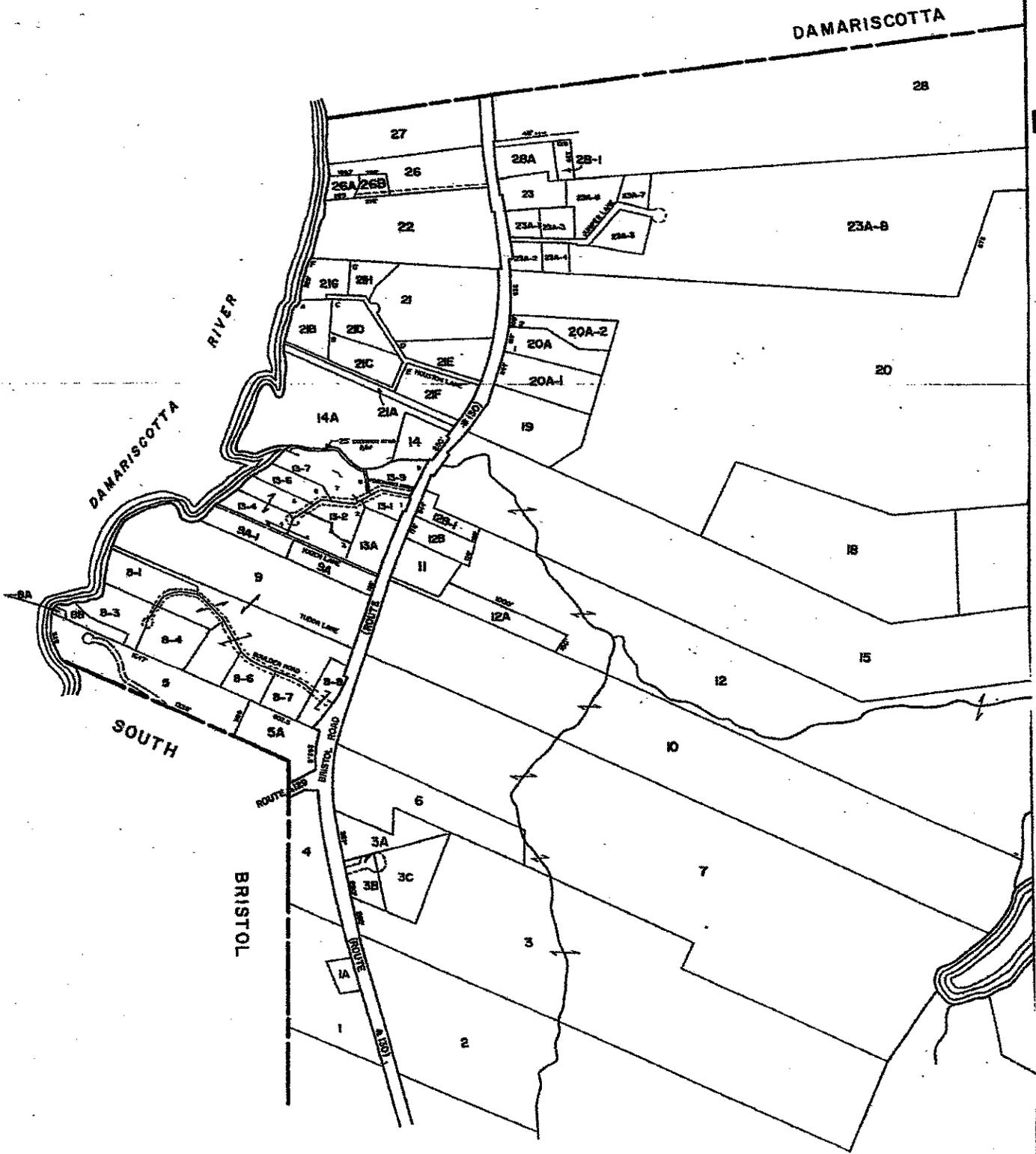


A. Land Owner Tax Map



LEGEND
PARCEL NUMBERS

B. Land Owner Tax Map

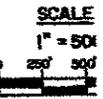


PROPER
MAP
TOW
OF
BRISTOL

LINCOLN
COUNTY
MAINE

1983

Prepared by
SACKETT & B
SURVEY, INC.
Shawhegan, VT



LEGEND
PARCEL NUMBER
ADJACENT MAPS
MATCH LINE

NOTE:
FOR ASSESS
PURPOSES - C
NOT TO BE U
FOR CONVEY

REVISED
MADE COAST SUR
DAMARISCOTTA

APRIL 1, 2004

60511

**DOMESTIC
BUSINESS CORPORATION**

STATE OF MAINE

ARTICLES OF INCORPORATION

(Mark box only if applicable)

This is a professional corporation** formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

(type of professional services)

Deputy Secretary of State <hr/> A True Copy When Attested By Signature <hr/> Deputy Secretary of State
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Pursuant to 13-C MRSA §202, the undersigned executes and delivers the following Articles of Incorporation:

FIRST: The name of the corporation is Norumbega Oysters, Inc.

SECOND: The name of its initial Clerk, who must be a Maine resident, and the address of the initial registered office shall be:
Peter G. Warren
(name)

36 Chestnut Street, Camden, Maine 04843
(physical location, not P.O. Box - street, city, state and zip code)

P.O. Box 780, Camden, Maine 04843
(mailing address if different from above)

THIRD: ("X" one box only)

There shall be only one class of shares. The number of authorized shares is 1,000.
(Optional) Name of class: _____

There shall be two or more classes or series of shares. The information required by 13-C MRSA §601 concerning each such class and series is set forth in Exhibit _____ attached hereto and made a part hereof.

FOURTH: ("X" one box only)

The corporation will have a board of directors.
 There will be no directors; the business of the Corporation will be managed by shareholders. (13-C MRSA §743)

FIFTH: (For corporations with directors, each of the following provisions is optional - "X" only if applicable)

The number of directors is limited as follows: not fewer than 1 nor more than 5 directors. (13-C MRSA §803)
 To the fullest extent permitted by 13-C MRSA §202.2.D, a director shall have no liability to the Corporation or its shareholders for money damages for an action taken or a failure to take an action as a director.
 Except as otherwise specified by contract or in its bylaws, the Corporation shall in all cases provide indemnification (including advances of expenses) to its directors and officers to the fullest extent permitted by law. (13-C MRSA §§202, 857 and 859)

10.

SIXTH: ("X" only if applicable)

The Corporation elects to have preemptive rights as defined in 13-C MRSA §641.

SEVENTH: ("X" only if applicable)

Additional provisions of these Articles of Incorporation are set forth in Exhibit ___ attached hereto and made a part hereof. (13-C MRSA §202)

EIGHTH: Name and address of each Incorporator is set forth below or on Exhibit ___ attached hereto.

Eric E. Peters

(type or print name)

19 Snow Road

(street or mailing address)

Nobleboro, ME 04555

(city, state and zip code)

Kellie J. Peters

(type or print name)

19 Snow Road

(street or mailing address)

Nobleboro, ME 04555

(city, state and zip code)

(type or print name)

(street or mailing address)

(city, state and zip code)

DATED 1/18/06

*By Kellie Peters

(signature of incorporator)

Kellie Peters

(type or print name and capacity)

Acceptance of Appointment of Clerk

The undersigned hereby accepts the appointment as clerk for the above-named domestic business corporation.

DATED 1/18/06

Peter G. Warren

(signature of clerk)

Peter G. Warren

(type or print name)

Note: Unless the Clerk is signing here to accept appointment as clerk, Form MBCA-18 (13-C MRSA §501.3) must accompany this document.

**The professional corporation name must contain one of the following: "chartered," "professional corporation," "professional association" or "service corporation" or the abbreviation "P.C.," "P.A." or "S.C.". Examples of professional service corporations are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list - see 13 MRSA §723.7.)

*These articles must be dated and executed by an incorporator pursuant to the provisions of 13-C MRSA §121.5.

Please remit your payment made payable to the Maine Secretary of State.

13-C MRSA §121.5

